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13 Attorneys for Defendant ARISTA NETWORKS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.
22

Case No. 5:14-cv-05344-BLF (NC)

**DEFENDANT ARISTA NETWORKS,
INC.'S ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL IN
CONNECTION WITH ARISTA'S
OPPOSITION TO CISCO'S MOTION TO
EXCLUDE EXPERT TESTIMONY FROM
ARISTA'S EXPERT CATE M. ELSTEN**

23 Judge: Hon. Beth Labson Freeman

24 Date Filed: December 5, 2014

25 Trial Date: November 21, 2016
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Pursuant to the Northern District of California's Civil Local Rules 7-11 and 79-5(d)-(e), Defendant Arista Networks, Inc. respectfully submits this administrative motion to file under seal the following document:

Document	Portions to Be Filed Under Seal	Designating Party
Arista's Opposition to Cisco's Motion to Exclude Expert Testimony from Arista's Expert Cate M. Elsten	Highlighted Portions	Arista Cisco
Exhibit A to the Declaration of Eduardo E. Santacana in Support of Arista's Opposition to Cisco's Motion to Exclude Expert Testimony from Arista's Expert Cate M. Elsten	Entire	Cisco

Arista seeks to file under seal documents and information submitted in connection with its Opposition to Cisco's Motion to Exclude Expert Testimony From Arista's Expert Cate M. Elsten. Because this Motion to Seal relates to a non-dispositive motion, the documents and information that the parties request to file under seal are not subject to a strong presumption of public access. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). Rather, the "good cause" standard of Rule 26(c) of the Federal Rules of Civil Procedure applies to the material that Arista seeks to file under seal. *Id.* at 1179. Civil Local Rule 79-5 further requires that a party seeking to seal information and documents "establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law." Civil L.R. 79-5(b). The sealing request must also "be narrowly tailored to seek sealing only of sealable material." *Id.*

For the portions of Arista's Opposition to Cisco's Motion to Exclude Expert Testimony from Arista's Expert Cate M. Elsten that Arista seeks to file under seal, Arista has established good cause to seal those materials through the Declaration of Eduardo E. Santacana filed herewith. Also filed concurrently are redacted and highlighted versions of that brief as well as a sealed version of Exhibit A to the Declaration of Eduardo E. Santacana in Support of Arista's Opposition to Cisco's Motion to Exclude Expert Testimony from Arista's Expert Cate M. Elsten,

1 which was designated “Highly Confidential” by Cisco and is filed under seal in its entirety.

2 To the extent that Arista has not sought to seal Arista-related material, Arista takes no
3 position on whether the Cisco-designated portions of any of the foregoing documents should be
4 filed under seal. For those portions of the materials submitted under seal, Arista files this
5 administrative motion only to afford Cisco the opportunity to defend its confidentiality
6 designations as provided by Civil Local Rule 79-5(e).

7 Dated: August 19, 2016

KEKER & VAN NEST LLP

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9 By: /s/ Brian L. Ferrall
10 BRIAN L. FERRALL

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12 Attorney for Defendant
13 ARISTA NETWORKS, INC.
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